

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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KAREN SUTHERLAND, as mother of  
decedent; ERICA RAE BELATTI,  
Guardian Ad Litem for S.A.S.,  
JR., son of decedent, and as a  
successor in interest to the  
deceased; and D.J.S., daughter  
of decedent, and as a successor  
in interest to the deceased,

Plaintiffs,

v.

CITY OF STOCKTON; OFFICER RONALD  
ZALUNARDO, in his individual  
capacity; OFFICER JOHN  
AFANASIEV, in his individual  
capacity; CHIEF ERIC JONES, in  
his individual capacity; and  
DOES 1-5, inclusive,

Defendants.

No. 2:21-cv-01855 WBS AC

ORDER RE: PETITION FOR  
MINORS' COMPROMISE

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Plaintiffs Karen Sutherland, the mother of the deceased  
Shayne Sutherland, S.A.S. Jr., son of deceased, and D.J.S.,  
daughter of deceased, brought this wrongful death action

1 asserting various constitutional violations under 42 U.S.C. §  
2 1983. The minor plaintiffs further asserted state law claims for  
3 wrongful death, assault and battery, negligence, and violations  
4 of the Tom Bane Act, Cal. Civ. Code § 52.1. (Second Am. Compl.  
5 ("SAC") (Docket No. 21).) Erica Rae Belatti was appointed  
6 guardian ad litem for the minor plaintiffs by the court on March  
7 1, 2022. (Docket No. 15.) Minor plaintiffs S.A.S. Jr. and  
8 D.J.S. now bring this petition for minors' compromise in relation  
9 to a settlement agreement resolving all claims against all  
10 defendants. (Docket No. 64.) Defendants have filed a non-  
11 opposition. (Docket No. 69.)

12 District courts evaluating minors' compromises must  
13 "limit the scope of their review to the question whether the net  
14 amount distributed to [a] minor plaintiff in the settlement is  
15 fair and reasonable, in light of the facts of the case, the  
16 minor's specific claim, and recovery in similar cases," "without  
17 regard to the proportion of the total settlement value designated  
18 for adult co-plaintiffs or plaintiffs' counsel." Robidoux v.  
19 Rosengren, 638 F.3d 1177, 1181-82 (9th Cir. 2011).

20 The gross settlement amount is \$6,000,000, with  
21 **\$1,167,150.89** to be distributed to each of the three plaintiffs,  
22 and \$2,498,547.33 to be distributed to counsel for attorneys'  
23 fees and costs based on a preexisting fee agreement. (Docket No.  
24 64 at 15-17.)

25 The court is familiar with the allegations made by  
26 plaintiffs regarding the officers' use of excessive force  
27 resulting in Mr. Sutherland's death. The court finds the  
28 \$1,167,150.89 amount to be distributed to each minor child fair

1 and reasonable based on the allegations made and a review of  
2 other wrongful death actions. Accordingly, the court will grant  
3 plaintiffs' petition.

4 IT IS THEREFORE ORDERED that the settlement of the  
5 minor plaintiffs' claims against all defendants as comprised  
6 pursuant to the terms of the settlement reached by the parties,  
7 and as further described in plaintiffs' petition for approval of  
8 minors' compromise (Docket No. 64), is approved.

9 IT IS FURTHER ORDERED that annuities for minor  
10 plaintiffs S.A.S. Jr. and D.J.S. shall be purchased as outlined  
11 in Exhibits A and B, respectively, in the Supplemental  
12 Declaration of V. James DeSimone, Esq. (Docket No. 68).<sup>1</sup>

13 Dated: May 23, 2024



14 **WILLIAM B. SHUBB**  
15 **UNITED STATES DISTRICT JUDGE**  
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27 <sup>1</sup> The hearing on this motion, currently scheduled on May  
28 28, 2024, is hereby VACATED.